

William F. Tarantino (State Bar No. 215343)
WTarantino@mofo.com
Lena Gankin (State Bar No. 333047)
LGankin@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

Attorneys for Defendant

GUTRIDE SAFIER LLP

Seth A. Safier (State Bar No. 197427)
seth@gutridesafier.com
Marie A. McCrary (State Bar No. 262670)
marie@gutridesafier.com
Hayley Reynolds (State Bar No. 306427)
hayley@gutridesafier.com
Kali R. Backer (State Bar No. 342492)
kali@gutridesafier.com
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 639-9090
Facsimile: (415) 449-6469

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CAROL LESH, as an individual, on behalf of
herself, the general public, and those similarly
situated,

Plaintiff,

v.

D'S NATURALS, LLC d/b/a NO COW,

Defendant.

Case No. 4:22-cv-01036-HSG (TSH)

**STIPULATION AND
[PROPOSED] ORDER TO STAY
CASE DEADLINES (L.R. 6-2)**

Judge: Hon. Haywood S. Gilliam, Jr.
Action Filed: February 18, 2022
FAC Filed: April 5, 2023

STIPULATION

Pursuant to Northern District of California Local Rule 6-2 and 7-12, Plaintiff Carol Lesh (“Plaintiff”) and Defendant D’s Naturals LLC d/b/a No Cow (“Defendant” or “No Cow”), by and through their undersigned counsel, stipulate as follows:

WHEREAS, on February 18, 2022, Plaintiff filed her Complaint (Dkt. No. 1);

WHEREAS, on April 26, 2022, No Cow filed a Motion to Dismiss Plaintiff’s Complaint (Dkt. No. 17);

WHEREAS, on March 15, 2023, the Court granted in part and denied in part No Cow’s Motion to Dismiss Plaintiff’s Complaint (Dkt. No. 33);

WHEREAS, on April 5, 2023, Plaintiff filed her First Amended Complaint (Dkt. No. 34);

WHEREAS, on April 19, 2023, No Cow Answered Plaintiff’s First Amended Complaint (Dkt. No. 37);

WHEREAS, on May 10, 2023, the Court entered its Order setting case deadlines in this matter, including; class certification motion on December 19, 2023; opposition to class certification motion on February 13, 2024; reply to class certification motion on April 9, 2024; and hearing on the class certification motion on May 9, 2024 (Dkt. No. 44);

WHEREAS, on September 5, 2023, the parties filed their only Discovery Letter Brief in this matter (Dkt. No. 53);

WHEREAS, on September 6, 2023, this Court referred this case, including the parties’ Discovery Letter Brief, for discovery purposes to Magistrate Judge Thomas S. Hixson;

WHEREAS, on September 6, 2023, the Parties reached an agreement in principle to resolve this matter;

WHEREAS, on September 7, 2023, Judge Hixson scheduled an in-person discovery hearing regarding the parties’ Discovery Letter Brief for September 14, 2023 (Dkt. No. 56);

WHEREAS, the parties have met and conferred and agreed to an up to 14-day stay of all deadlines, including fact discovery and class certification briefing deadlines as well as discovery hearings, to allow the parties to finalize a potential settlement;

WHEREAS, the parties believe that an up to 14-day stay to allow the parties to explore

1 resolution may avoid the costs of discovery and class certification briefing, and promote judicial
2 efficiency;

3 WHEREAS, the parties respectfully request that the September 14, 2023 in-person
4 discovery hearing be adjourned to promote judicial efficiency and conserve the resources of the
5 parties and the Court;

6 WHEREAS, this stipulation is made in good faith and not for delay or any other improper
7 purpose.

8 THEREFORE, IT IS AGREED AND STIPULATED that:

9 1. All case deadlines and motion practice in this action are stayed for up to 14 days,
10 until on or before September 27, 2023;

11 2. If the parties have not resolved this action within 14 days from the date of this
12 stipulation (i.e., by September 27, 2023), the parties will file a status report and/or request an
13 immediate status conference with the Court to address case scheduling.

14 Dated: September 13, 2023

MORRISON & FOERSTER LLP

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16 By: /s/ William F. Tarantino
17 WILLIAM F. TARANTINO

18 Attorneys for Defendant
19 D'S NATURALS, LLC d/b/a NO COW

20 Dated: September 13, 2023

21 SETH A. SAFIER
22 KALI BACKER
23 GUTRIDE SAFIER LLP

24 By: /s/ Seth A. Safier (with permission)
25 SETH A. SAFIER

26 Attorneys for Plaintiff
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ATTESTATION OF E-FILED SIGNATURE

I, William F. Tarantino, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Seth Safier has concurred in this filing.

Dated: September 13, 2023

/s/ William F. Tarantino

WILLIAM F. TARANTINO

Attorneys for Defendant
D'S NATURALS, LLC d/b/a NO COW

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS ORDERED that the case schedule is stayed for up to 14 days, until on or before September 27, 2023. The September 14, 2023 in-person discovery hearing is adjourned.

DATED:

HON. HAYWOOD S. GILLIAM, JR
United States District Court Judge